



U.S. Department of the Interior

# The Natural Resource Damage Assessment and Restoration Program

## *An Introduction*

### **The Program's Origin**

Hazardous substances are constantly entering our environment, threatening fish, wildlife, and other natural resources. As a result of concern over this constant influx of contaminants into the environment, and a wish to ensure that the responsible parties—not the taxpayers—pay for the clean up, Congress authorized the Natural Resource Damage Assessment and Restoration Program (Restoration Program). The goal of the Restoration Program is to restore natural resources injured by contamination. Three laws form the legal foundation for the Restoration program and provide “trustees” the legal authority to carry out program responsibilities: the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (also known as CERCLA or “Superfund”); the Clean Water Act; and the Oil Pollution Act of 1990 (OPA).

### **Entrusting our Natural Resources**

The Department of the Interior (Department), along with State, Tribal and other Federal partners, act as trustees for our natural resources. Trustees seek to identify the natural resources injured and to determine the extent of the injuries, to recover damages from the parties responsible for the injuries, and to plan and carry out natural resource restoration activities. Where trusteeship overlaps, trustees benefit from acting together as a trustee group.

The Department has trust responsibility for all Departmental lands (e.g. BLM public lands, National Parks, Wildlife Refuges), Indian lands, Federally protected wildlife and plants (e.g. endangered species, migratory birds), and other natural resources. The Bureau of Indian Affairs, Bureau of Land Management, Bureau of Reclamation, Fish and Wildlife Service, and National Park Service are the agencies within the Department that are actively involved in the Restoration Program.

### **Restoring the Resources**

To fulfill the mission of restoring natural resources that have been injured by oil spills or hazardous substance releases, several steps must be taken. First, the natural resource

trustees conduct a damage assessment to determine the extent of injury to the resources caused by the oil spill or hazardous substance release. This information is then used to determine the amount of restoration that is needed. The trustees then attempt to negotiate a settlement with the responsible parties for the cost of the restoration, the loss of the use of the land or natural resources to the general public, and the money the trustees spent to assess the damages. Thus, restoration is paid for by the parties responsible for the injuries rather than by the American taxpayers.

Occasionally, a settlement cannot be reached and the responsible party is



Industrial development has heavily impacted the Saginaw River near Bay City/Saginaw, Michigan. *Photo by Frank Horvath/USFWS.*

taken to court. Once a negotiated settlement or court decision has been reached, the trustees take action to restore the injured resources. Finally, the trustees monitor the completed restoration projects to ensure success.

### **Benefitting the Public**

The primary benefit of the Restoration Program is that injured natural resources can be restored at no cost to the American taxpayers. Instead, the parties responsible for the injuries pay for the restoration. In addition, restoring natural resources benefits not only the fish and wildlife that depend on those resources, it benefits the residents and visitors to these areas. People are able to do such things as fish and swim in cleaner water and enjoy the sights and sounds of the abundant wildlife that a healthy environment can support.

As a result of successful settlement negotiations within the past year, we will soon see restoration begin on the Grand Calumet River in northern Indiana and on the Saginaw River in central Michigan. Departmental wildlife biologists, toxicologists, and land managers have worked with State trustees, other Federal agencies, and



Nesting habitat for many species of birds, including the great egret, will be restored and protected as part of the Saginaw River settlement. *Photo by Lisa L. Williams/USFWS.*



As a result of a recent settlement, 1,600 acres of agricultural land will be restored to coastal wetlands. *Photo by Frank Horvath/USFWS.*

responsible parties on these sites and many other sites throughout the country to craft agreements to restore degraded lands and waters so that fish and wildlife will thrive once again.

### **Looking Toward Our Future**

As we look to our future, we will always keep in mind that our ultimate goal is to restore the public's natural resources. However, there are many steps we must take to achieve this goal, and it is important that we do them well. This requires effective program management and accountability. To help us more effectively manage the Restoration Program, we recently established a Departmental management structure and completed a Department Manual that defines the roles and responsibilities of the involved Bureaus and Offices. The Restoration Work Group, composed of representatives from the Bureaus and Offices, is responsible for developing restoration guidance documents, evaluating restoration settlements, and improving consistency among restoration case management.

In addition, we are in the process of streamlining our cost recovery system

to assure more accurate accounting of our damage assessment and restoration costs. We are also working with the Department of Justice to develop a more aggressive strategy for recovering damage assessment costs. Furthermore, we intend to evaluate our past restoration settlements and their corresponding implementation projects to determine how well we are doing.

We, at the Department of Interior, believe that the Restoration Program is of great importance. Because of this Program, people across the country are enjoying rivers and lands that are once again healthy and teeming with fish and wildlife, and public places that are safe for recreation and other uses. Through the dedication of the Department, and the many other agencies, organizations and individuals committed to caring for the environment, we are making progress toward a cleaner, healthier environment for all living things.

**July 28, 1999**